

Updated Furlough FAQ's

- What is a furlough?
 - **Answer** – A furlough is defined in Kansas Administrative Regulation (K.A.R.) 1-14-11 (a) as a mandatory leave without pay for a preset number of hours during each pay period covered by the furlough.
- Why is a furlough necessary?
 - **Answer** – State government must have a budget in place in order to distribute the funds that it has, and at this point, there is no budget in place for the next fiscal year. The State has spending authority for most expenses through June 30th, but since employees will actually receive their paychecks for the payroll period that begins on June 7th in the next fiscal year (July 2nd), that expenditure is considered to occur in the next fiscal year and the Legislature has not passed a budget for next fiscal year. If the Legislature passes some form of legislation authorizing these expenditures prior to 11:59 pm on Saturday June 6th, furloughs will not be necessary.
- Who determines which employees are essential and which employees are non-essential and how do they make that determination?
 - **Answer** – This determination is made by each agency, and is based on the core functions that must be performed by the agency during the time of the furlough. This is similar to inclement weather situations, where certain employees are considered essential in those circumstances and are required to report to work while all other employees are not to report to work but since the underlying circumstances are different in this situation, the employees that are considered essential during a possible furlough starting June 7th are also likely to be different.
- How will I know if I am going to be furloughed or not?
 - **Answer** – Employees will be informed by their agency no later than Noon on Friday, June 5th whether they are to be furloughed or not, effective 12:01 am on Sunday June 7th. Employees will then need to check the following website beginning Saturday evening to see whether furloughs will take place: <http://www.kansas.gov/employee/>
- Why didn't we have more notice about furloughs? I heard that there was supposed to be 30 days of notice before a furlough could happen.
 - **Answer** – The State regulation that authorizes furloughs allows for two different types of furloughs. The first type of furlough is an administrative furlough, which is the type of furlough that is planned by an agency in order to address budget reductions that are necessitated by reasons other than a lapse in appropriations. With that type of furlough, agencies are required to develop a furlough plan and provide that to the Department of Administration at least 30 calendar days prior to the implementation of the furlough.

However, the current situation meets the definition of an emergency furlough, which occurs when there is an immediate or imminent lack of funding to continue agency operations or an emergency that results in an unanticipated interruption of funding to the agency. In an emergency furlough, agencies are not required to develop a furlough plan as they likely have very little lead time prior to the need for the furlough.

- If I am furloughed, can I use my accrued leave to avoid being in leave without pay status?
 - **Answer** – No. As indicated in the definition of furlough above, a furlough is a period of leave without pay, so affected employees cannot use accrued or earned leave to offset the impact of the furlough.
- Will any time that I am furloughed count against my length of service?
 - **Answer** – No. The time that a State employee is furloughed will continue to count toward the employee's length of service.
- If I am furloughed, will I continue to have health insurance?
 - **Answer** – Yes. Employees who participate in the State Employee Health Plan (SEHP) and are furloughed will continue to have health insurance coverage for the duration of the furlough. Depending on the amount of time that an employee is furloughed and the level of coverage in which they are enrolled, the amount of the employee's paycheck may be insufficient to cover the employee's cost of the coverage, so the employee may be responsible for paying those costs on their own. Employees can contact the HR Office in the agency where they work for more information about this situation.
- What happens to my sick and vacation leave accruals if I am furloughed?
 - **Answer** – Much like length of service, an employee's accrual of sick and vacation leave will be unaffected by a furlough. The employee will continue to accrue the amount of sick and vacation leave that he or she would have accrued had the furlough not occurred.
- Can I file for unemployment if I am furloughed?
 - **Answer** – In the event of furlough, all affected State of Kansas employees may be able to receive unemployment benefits. Under Kansas law, any furloughed employee would be required to serve a waiting week before benefits could be paid. In addition, benefits would be required to be repaid in the event employees receive back pay for the duration of any furlough. The state WILL FILE the initial claim on your behalf if the lawful conditions for payment are met. State employees are strongly encouraged to not attempt to file their own initial unemployment claim as this will cause delays in processing. Further detailed messaging will be available at www.dol.ks.gov and KDOL's Facebook at <https://www.facebook.com/KansasDOL>.
- What if I am on approved leave when I am supposed to be furloughed?
 - **Answer** – Employees who are to be furloughed but had been pre-approved for leave for a period of time that falls within a furlough will be placed in leave without pay status during the furlough just like all other employees who are furloughed. The leave for which the employee had been pre-approved will not be used and will not be deducted from the employee's respective leave balance.

- What about Family Medical leave Act (FMLA) situations?
 - **Answer** – Employees who are off of work due to FMLA circumstances but whose position is determined to be non-essential and therefore subject to furlough may be furloughed, but the time spent on furlough does not count towards the 12 week FMLA leave.
- Will any time that I am furloughed impact my salary for retirement purposes?
 - **Answer** – No. Even though K.A.R. 1-14-11 indicated that an employee's retirement contributions will be impacted by a furlough, legislation was passed last session that will hold employees whose retirement benefits would have otherwise been adversely impacted by a furlough harmless.
- If I am furloughed, how will I know when I am supposed to come back to work?
 - **Answer** – Furloughed employees should continue to check the following website for status updates regarding the furloughs: <http://www.kansas.gov/employee/>

In addition, should circumstances change such that an employee who was initially determined to be non-essential and therefore subject to being furloughed is later determined to be essential and is therefore needed to report to work, the employee will be contacted by his or her employing agency.
- If I am considered essential and required to work during the furlough, will I be paid?
 - **Answer** – Employees who are designated as essential should report to work and record time as they normally do. Since employees will not receive their paycheck for the hours worked during the pay period beginning June 7th until July 2nd, it is anticipated that the Legislature will have passed a budget by that time. The paycheck that is issued on June 19th is for work that is being performed during the current pay period, so all employees will receive that paycheck based on their reported time for the pay period that began on Sunday, May 24th. Since that time was worked during the current fiscal year, the State of Kansas has the authority to issue those checks.
- If I am furloughed, will I be reimbursed for my time spent on furlough once a budget is passed?
 - **Answer** – This will depend on what is passed by the Legislature, so this question cannot be answered at this time.
- I don't have access to the internet so how will I know whether furloughs will take place or not?
 - **Answer** – Agencies are being encouraged to utilize the same notice provisions as they would during a Declaration of Inclement Weather in order to inform employees about the status of furloughs on Saturday night and Sunday. In addition, the State is looking into the possibility of providing recording that employees could access by phone. More information on this will be provided as soon as it is available.

- If I am furloughed, I am still planning to work and just won't report the time. That's OK, right?
 - **Answer** – No. Employees who are furloughed are not to perform any work for the State of Kansas while they are in furlough status. The notice that they receive will inform them of this. While the dedication and sentiment that motivates this kind of offer is definitely appreciated, the State of Kansas cannot allow employees to perform work and not be paid for it.
- I have heard that employees who are furloughed will not be returned to their jobs after the furlough ends. Is this true?
 - **Answer** – No.

Additional questions not addressed above may be sent to psweb@da.ks.gov. Thank you.